

Senate Study Bill 3219

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CO=CHAIRPERSON McKIBBEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring voters to provide certain identification when
2 voting absentee or in person at the polling place.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6105XK 81
5 sc/gg/14

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1 1 Section 1. Section 48A.8, Code 2005, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 48A.8 REGISTRATION BY MAIL.
1 5 An eligible elector may register to vote by completing a
1 6 mail registration form. The form may be mailed or delivered
1 7 by the registrant or the registrant's designee to the
1 8 commissioner in the county where the person resides. A
1 9 separate registration form shall be signed by each individual
1 10 registrant.
1 11 Sec. 2. Section 48A.26, subsection 2, Code 2005, is
1 12 amended to read as follows:
1 13 2. If the registration form appears on its face to be
1 14 complete and proper, the acknowledgment shall state that the
1 15 registrant is now a registered voter of the county. The
1 16 acknowledgment shall also specify the name of the precinct and
1 17 the usual polling place for the precinct in which the person
1 18 is now registered. The acknowledgment shall include a
1 19 statement informing the registered voter that the voter is
1 20 required to show identification in the form of a valid and
1 21 current Iowa driver's license or a valid and current Iowa
1 22 nonoperator's identification card before the person will be
1 23 allowed to vote. The acknowledgment may include the political
1 24 party affiliation most recently recorded by the registrant.
1 25 Sec. 3. Section 48A.27, subsection 4, paragraph c,
1 26 unnumbered paragraph 2, Code 2005, is amended to read as
1 27 follows:
1 28 The notice shall be sent by forwardable mail, and shall
1 29 include a postage paid preaddressed return card on which the
1 30 registered voter may state the registered voter's current
1 31 address. The notice shall contain a statement in
1 32 substantially the following form: "Information received from
1 33 the United States postal service indicates that you are no
1 34 longer a resident of, and therefore not eligible to vote in
1 35 (name of county) County, Iowa. If this information is not
2 1 correct, and you still live in (name of county) County, please
2 2 complete and mail the attached postage paid card at least ten
2 3 days before the primary or general election and at least
2 4 eleven days before any other election at which you wish to
2 5 vote. If the information is correct and you have moved,
2 6 please contact a local official in your new area for
2 7 assistance in registering there. If you do not mail in the
2 8 card, you may be required to show identification to prove
2 9 residency before being allowed to vote in (name of county)
2 10 County. If you do not return the card, and you do not vote in
2 11 an election in (name of county) County, Iowa, on or before
2 12 (date of second general election following the date of the
2 13 notice) your name will be removed from the list of voters in
2 14 that county. To ensure you receive this notice, it is being
2 15 sent to both your most recent registration address and to your
2 16 new address as reported by the postal service."

2 17 Sec. 4. Section 48A.29, subsection 1, unnumbered paragraph
2 18 2, Code 2005, is amended to read as follows:

2 19 The notice shall be sent by forwardable mail, and shall
2 20 include a postage paid preaddressed return card on which the
2 21 registered voter may state the registered voter's current
2 22 address. The notice shall contain a statement in
2 23 substantially the following form: "Information received from
2 24 the United States postal service indicates that you are no
2 25 longer a resident of (residence address) in (name of county)
2 26 County, Iowa. If this information is not correct, and you
2 27 still live in (name of county) County, please complete and
2 28 mail the attached postage paid card at least ten days before
2 29 the primary or general election and at least eleven days
2 30 before any other election at which you wish to vote. If the
2 31 information is correct, and you have moved, please contact a
2 32 local official in your new area for assistance in registering
2 33 there. If you do not mail in the card, you may be required to
2 34 show identification to prove residency before being allowed to
2 35 vote in (name of county) County. If you do not return the
3 1 card, and you do not vote in some election in (name of county)
3 2 County, Iowa, on or before (date of second general election
3 3 following the date of the notice) your name will be removed
3 4 from the list of voters in that county."

3 5 Sec. 5. Section 48A.29, subsection 3, unnumbered paragraph
3 6 2, Code 2005, is amended to read as follows:

3 7 The notice shall be sent by forwardable mail, and shall
3 8 include a postage paid preaddressed return card on which the
3 9 registered voter may state the registered voter's current
3 10 address. The notice shall contain a statement in
3 11 substantially the following form: "Information received by
3 12 this office indicates that you are no longer a resident of
3 13 (residence address) in (name of county) County, Iowa. If the
3 14 information is not correct, and you still live at that
3 15 address, please complete and mail the attached postage paid
3 16 card at least ten days before the primary or general election
3 17 and at least eleven days before any other election at which
3 18 you wish to vote. If the information is correct, and you have
3 19 moved within the county, you may update your registration by
3 20 listing your new address on the card and mailing it back. If
3 21 you have moved outside the county, please contact a local
3 22 official in your new area for assistance in registering there.
3 23 If you do not mail in the card, you may be required to show
3 24 identification to prove residency before being allowed to vote
3 25 in (name of county) County. If you do not return the card,
3 26 and you do not vote in some election in (name of county)
3 27 County, Iowa, on or before (date of second general election
3 28 following the date of the notice) your name will be removed
3 29 from the list of registered voters in that county."

3 30 Sec. 6. Section 49.77, subsection 3, Code 2005, is amended
3 31 to read as follows:

~~3 32 3. A precinct election official shall require any person
3 33 whose name does not appear on the election register as an
3 34 active voter to show identification. Specific documents which
3 35 are acceptable forms of identification shall be prescribed by
4 1 the state commissioner.~~

~~4 2 3. A precinct election official may shall require of that
4 3 the voter unknown to the official, identification upon which
4 4 the voter's signature or mark appears produce for inspection
4 5 the voter's current and valid Iowa driver's license or current
4 6 and valid Iowa nonoperator's identification card. If
4 7 identification required under this subsection is established
4 8 to the satisfaction of the precinct election officials, the
4 9 person may then be allowed to vote.~~

4 10 Sec. 7. Section 49.77, subsection 4, unnumbered paragraph
4 11 1, Code 2005, is amended to read as follows:

~~4 12 A precinct election official shall require any person whose
4 13 name does not appear on the election register as an active
4 14 voter to show identification to prove residency in the
4 15 precinct. Specific documents which are acceptable forms of
4 16 identification under this subsection shall be prescribed by
4 17 the state commissioner.~~ A person whose name does not appear
4 18 on the election register of the precinct in which that person
4 19 claims the right to vote shall not be permitted to vote,
4 20 unless the person affirms that the person is currently
4 21 registered in the county and presents ~~proof of identity~~
4 22 identification to prove residency, or the commissioner informs
4 23 the precinct election officials that an error has occurred and
4 24 that the person is a registered voter of that precinct. If
4 25 the commissioner finds no record of the person's registration
4 26 but the person insists that the person is a registered voter
4 27 of that precinct, the precinct election officials shall allow

4 28 the person to cast a ballot in the manner prescribed by
4 29 section 49.81.

4 30 Sec. 8. Section 49.81, subsection 1, Code 2005, is amended
4 31 to read as follows:

4 32 1. A prospective voter who is prohibited under section
4 33 ~~49A.8, subsection 4, section~~ 49.77, subsection 4, or section
4 34 49.80 from voting except under this section shall be notified
4 35 by the appropriate precinct election official that the voter
5 1 may cast a provisional ballot. If a booth meeting the
5 2 requirement of section 49.25 is not available at that polling
5 3 place, the precinct election officials shall make alternative
5 4 arrangements to insure the challenged voter the opportunity to
5 5 vote in secret. The marked ballot, folded as required by
5 6 section 49.84, shall be delivered to a precinct election
5 7 official who shall immediately seal it in an envelope of the
5 8 type prescribed by subsection 4. The sealed envelope shall be
5 9 deposited in an envelope marked "provisional ballots" and
5 10 shall be considered as having been cast in the special
5 11 precinct established by section 53.20 for purposes of the
5 12 postelection canvass.

5 13 Sec. 9. Section 53.10, unnumbered paragraph 2, Code
5 14 Supplement 2005, is amended to read as follows:

5 15 Each person who wishes to vote by absentee ballot at the
5 16 commissioner's office shall first sign an application for a
5 17 ballot including the following information: name, current
5 18 address, and the election for which the ballot is requested.
5 19 The person may report a change of address or other information
5 20 on the person's voter registration record at that time. After
5 21 completing the application, the voter shall produce for
5 22 inspection the voter's current and valid Iowa driver's license
5 23 or current and valid Iowa nonoperator's identification card,
5 24 and if identification is established to the satisfaction of
5 25 the proper official, the person may then be allowed to vote.

5 26 The registered voter shall immediately mark the ballot;
5 27 enclose the ballot in a secrecy envelope, if necessary, and
5 28 seal it in a ballot envelope; subscribe to the affidavit on
5 29 the reverse side of the envelope; and return the absentee
5 30 ballot to the commissioner. The commissioner shall record the
5 31 numbers appearing on the application and ballot envelope along
5 32 with the name of the registered voter.

5 33 Sec. 10. NEW SECTION. 53.16A IDENTIFICATION REQUIRED.

5 34 A photocopy of the voter's current and valid Iowa driver's
5 35 license or current and valid Iowa nonoperator's identification
6 1 card and the sealed envelope containing the absentee ballot
6 2 shall be enclosed in a carrier envelope which shall be
6 3 securely sealed.

6 4 Sec. 11. Section 53.17, subsection 1, unnumbered paragraph
6 5 1, Code 2005, is amended to read as follows:

~~6 6 The sealed envelope containing the absentee ballot shall be~~
~~6 7 enclosed in a carrier envelope which shall be securely sealed.~~
6 8 The sealed carrier envelope shall be returned to the
6 9 commissioner by one of the following methods:

6 10 Sec. 12. Section 53.25, unnumbered paragraph 1, Code 2005,
6 11 is amended to read as follows:

6 12 In case the absentee voter's affidavit is found to be
6 13 insufficient, ~~or that the voter did not include a photocopy of~~
6 14 ~~the required identification,~~ or that the applicant is not a
6 15 duly registered voter in such precinct, or that the ballot
6 16 envelope is open, or has been opened and resealed, or that the
6 17 ballot envelope contains more than one ballot of any one kind,
6 18 or that said voter has voted in person, such vote shall not be
6 19 accepted or counted.

6 20 EXPLANATION

6 21 This bill requires that all voters show a current and valid
6 22 Iowa driver's license or a current and valid Iowa
6 23 nonoperator's identification card before being allowed to vote
6 24 at the polls, at the commissioner's office, or at a satellite
6 25 absentee voting station. If a person is voting absentee other
6 26 than at the commissioner's office or at a satellite absentee
6 27 voting station, the voter shall include a photocopy of the
6 28 required identification in the return carrier envelope.
6 29 Correspondingly, the bill strikes the requirement that certain
6 30 persons who register by mail and who have not previously voted
6 31 in a federal election in the county of registration must show
6 32 identification when voting for the first time in the county at
6 33 an election with federal offices on the ballot.

6 34 The bill also specifies that the requirement in current law
6 35 that a voter show identification if the voter's name does not
7 1 appear on the election register or if the voter did not
7 2 respond to a confirmation card sent by the county commissioner
7 3 of elections is required in order to establish residency in

7 4 the precinct. Current law provides that the secretary of
7 5 state shall provide, by rule, the acceptable forms of
7 6 identification in these circumstances.
7 7 LSB 6105XK 81
7 8 sc:rj/gg/14